

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-160500
	:	TRIAL NO. 15CRB-30500
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
ANITA PATTON,	:	
	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* R.Rep.Op. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Following a bench trial, defendant-appellant Anita Patton was found guilty of criminal damaging by journal entry dated March 17, 2016. The case was continued for sentencing. By journal entry dated May 5, 2016, the trial court sentenced Patton to one year of community control and ordered restitution in the amount of \$723.31. Patton now appeals from the May 5 journal entry. Because this entry is not a final appealable order, we do not have jurisdiction to entertain the appeal.

To constitute a final appealable order under R.C. 2505.02, a judgment of conviction must satisfy the provisions of Crim.R. 32(C) and include: (1) the fact of conviction; (2) the sentence; (3) the judge's signature; and (4) the time stamp indicating the entry upon the journal by the clerk. *State v. Daniels*, 1st Dist. Hamilton No. C-140242, 2014-Ohio-5160, ¶ 6, citing *State v. Lester*, 130 Ohio St.3d

303, 2011-Ohio-56204, 958 N.E.2d 142, paragraph one of the syllabus. Additionally, the Ohio Supreme Court has held that allowing multiple documents to constitute a final appealable order runs afoul of Crim.R. 32(C), because only one document, such as a single journal entry, can constitute a final appealable judgment of conviction. *Id.* at ¶ 7, citing *State v. Baker*, 119 Ohio St.3d 197, 2008-Ohio-3330, 893 N.E.2d 163, ¶ 17.

The May 5 journal entry appealed from contains the sentence, the judge's signature and the time stamp, but fails to state "the fact of conviction." Because the trial court did not include the finding of guilt in the same entry as the sentence and order of restitution, the judgment entry appealed from is not a final order. *See id.*

Accordingly, the appeal is dismissed for lack of jurisdiction.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

MOCK, P.J., CUNNINGHAM and MILLER, JJ.

To the clerk:

Enter upon the journal of the court on March 17, 2017
per order of the court _____.
Presiding Judge